

Practitioner's Docket No. END920000118US1**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Thomas Breyemeier et al.

Application No.: 09 / 764,044

Group No.: 2154

Filed: 01/17/2001

Examiner: Dustin Nguyen

For: CONFIGURABLE DISPLAY OF WEB SITE CONTENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
OR IN A NAFTA OR WTO MEMBER COUNTRY  
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. § 1.131)**

NOTE: 37 C.F.R. § 1.131 Affidavit or declaration of prior invention.

(a) When any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based. The effective date of a U.S. patent, U.S. patent application publication, or international application publication under PCT Article 21(2) is the earlier of its publication date or date that it is effective as a reference under 35 U.S.C. 102(e). Prior invention may not be established under this section in any country other than the United States, a NAFTA country, or a WTO member country. Prior invention may not be established under this section before December 8, 1993, in a NAFTA country other than the United States, or before January 1, 1996, in a WTO member country other than a NAFTA country. Prior invention may not be established under this section if either:

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

☒ with sufficient postage as first class mail.

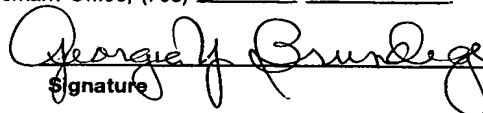
☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Date: 09/13/05

  
Signature

Georgia Y. Brundage

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome  
Cited Patent or Publication—37 C.F.R. § 1.131 [9-32]—page 1 of 5)

(1) The rejection is based upon a U.S. patent or U.S. patent application publication of a pending or patented application to another or others which claims the same patentable invention as defined in § 1.601(n); or

(2) The rejection is based upon a statutory bar.

### PURPOSE OF DECLARATION

1. This declaration is to establish completion of the invention of this application in

- ☒ the United States  
☐ the NAFTA country \_\_\_\_\_ (name of country)  
☐ the WIPO country \_\_\_\_\_ (name of country)

at a date prior to May 19, 2000, that is the effective date of the prior art

- ☐ publication \_\_\_\_\_  
☒ patent US 6,327,628  
☐ patent publication \_\_\_\_\_  
☐ other \_\_\_\_\_

that was cited by the

- ☒ examiner.  
☐ applicant.

NOTE: 37 C.F.R. § 1.131 is not applicable to a rejection based on a U.S. patent that CLAIMS the rejected invention.

2. The person making this declaration is (are):

- ☒ the inventor(s).  
☐ only some of the joint inventor(s) (and a suitable excuse is attached for failure of the omitted joint inventor(s) to sign)  
☐ the party in interest (and a suitable explanation as why it is not possible to produce the declaration of the inventor(s) is attached)

### FACTS AND DOCUMENTARY EVIDENCE

NOTE: "The showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and form part of the affidavit or declaration or their absence satisfactorily explained." 37 C.F.R. § 1.131(b).

(Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome Cited Patent or Publication—37 C.F.R. § 1.131 [9-32]—page 2 of 5)

3. To establish the date of completion of the invention of this application, the following attached documents and/or models are submitted as evidence:

(check all applicable items below)

- ☐ sketches
- ☐ blueprints
- ☐ photographs
- ☐ reproduction(s) of notebook entries
- ☐ model
- ☐ supporting statement(s) by witness(es) (where verbal disclosures are the evidence relied upon)
- ☐ interference testimony
- ☒ disclosure documents

NOTE: While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder* 1897 C.D. 724, 81 O.G. 1417." See also M.P.E.P. § 715.07 and § 2138.04, 7th ed.

4. From these documents and/or models, it can be seen that the invention in this application was made

- ☐ on \_\_\_\_\_.
- ☒ at least by the date of 04/18/2000, which is a date earlier than the effective date of the reference.

NOTE: "If the dates of the exhibits have been removed or blocked off, the matter of dates can be taken care of in the body of the oath or declaration." M.P.E.P. § 715.07, 8th ed.

NOTE: "[T]he dates in the oath or declaration may be the actual dates, or, if the applicant or patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date. However, the actual dates of acts relied on to establish diligence must be provided." M.P.E.P. § 715.07, 8th ed.

### DILIGENCE

NOTE: "Where there has not been reduction to practice prior to the date of the reference, the applicant or patent owner must also show diligence in the completion of his or her invention from a time just prior to the date of the reference continuously up to the date of the actual reduction to practice or up to the date of filing his or her application (filing constitutes a **constructive** reduction to practice, § 1.131)." M.P.E.P. § 715.07, 8th ed..

NOTE: "A conception of an invention, though evidenced by disclosure, drawings, and even a model, is not a complete invention under the patent laws, and confers no rights on an inventor, and has no effect on a subsequently granted patent to another, **UNLESS HE OR SHE FOLLOWS IT WITH REASONABLE DILIGENCE BY SOME OTHER ACT**, such as an actual reduction to practice or filing an application for a patent. *Automatic Weighing Mach. Co. v. Pneumatic Scale Corp., Limited* 1909 C.D. 498, 139 O.G. 991, M.P.E.P. § 715.07, 8th ed.

"Conception in the mental part of the inventive act, but it must be capable of proof, as by drawings, complete disclosure to another person, etc. In *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417, it was established that conception is more than a mere vague idea of how to solve a problem; the means themselves and their interaction must be comprehended also." M.P.E.P. § 715.07, 8th ed.

NOTE: "[O]nly diligence before reduction to practice is a material consideration. The 'lapse of time between the completion or reduction to practice of an invention and the filing of an application thereon' is not relevant to an affidavit or declaration under 37 CFR 1.131. See *Ex parte Merz*, 75 USPQ 296 (Bd. App. 1947)." MPEP § 715.07(a), 8th ed.

(Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome Cited Patent or Publication—37 C.F.R. § 1.131 [9-32]—page 3 of 5)

5. Attached is a statement establishing the diligence of the applicants, from the time of their conception, to a time just prior to the date of the reference, up to the:

- ☐ actual reduction to practice.
- ☐ filing of this application.

#### **TIME OF PRESENTATION OF THE DECLARATION**

*(complete (a), (b) or (c))*

- (a) ☒ This declaration is submitted prior to final rejection.
- (b) ☐ This declaration is submitted with the first response after final rejection, and is for the purpose of overcoming a new ground of rejection or requirement made in the final rejection.
- (c) ☐ This declaration is submitted after final rejection. A showing under 37 C.F.R. § 1.116(b) is submitted herewith.

#### **DECLARATION**

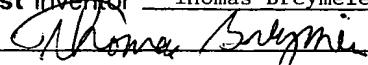
6. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome Cited Patent or Publication—37 C.F.R. § 1.131 [9-32]—page 4 of 5)

**SIGNATURE(S)**

7. (complete A or B below)

**A. Inventor(s)**Full name of sole or first inventor Thomas BreymeierInventor's signature Date 9/6/05 Country of Citizenship USAResidence 3601 James Drive, Endwell, NY 13760Post Office Address Same as ResidenceFull name of second joint inventor, if any Mark D. SmithInventor's signature Date 8/29/2005 Country of Citizenship USAResidence 3867 Brinkman Road, Binghamton, NY 13903Post Office Address Same as Residence

(use added page for signature by additional inventors)

Number of pages added: \_\_\_\_\_

**B. Assignee**Arthur J. Samodovitz, Reg. No. 31,297

(type or print name of person signing)

  
SignatureSept 9, 2005  
DateIBM Corporation, 1701 North Street, Endicott, NY 13760

P.O. Address

International Business Machines Corporation

(type name of assignee)

Address of assignee

New Orchard RoadArmonk, NY 10504Arthur J. SamodovitzTitle of person authorized to sign  
on behalf of assigneeAssignment recorded in PTO on 01/17/2001Reel 011481 Frame 0554

A "CERTIFICATE UNDER 37 C.F.R. § 3.73(b)" is attached.

(Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome  
Cited Patent or Publication—37 C.F.R. § 1.131 [9-32]—page 5 of 5)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Thomas Breymeier, et al.

**Serial No:** 09/764,044

**Filed:** January 17, 2001

**For:** CONFIGURABLE DISPLAY OF  
WEB SITE CONTENT

**Examiner:** Dustin Nguyen

**Group Art Unit:** 2154

**Docket:** END920000118US1

**Confirmation No:** 5682

Mailstop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. 1.131**

Dear Sir:

Mark D. Smith and Thomas Breymeier declare that they are the inventors of the subject matter which is described and claimed in U.S. patent application S.N. 09/764,044 which was filed in the United States Patent and Trademark Office on January 17, 2001.

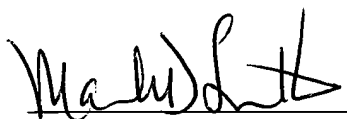
**Declaration, Facts and Documentary Evidence in Support of Rule 131 Affidavit**

1. Exhibit A is a true copy of an Invention Disclosure Number END8-2000-0075 submitted electronically by the inventors to their employer and assignee, International Business Machines Corporation.
2. The Invention Disclosure was last modified by the inventors on April 18, 2000.
3. The Invention Disclosure discloses the present invention as claimed, and demonstrates conception of the claimed invention.

4. The Invention Disclosure includes the following web page "screen shots" that demonstrate actual reduction to practice of the claimed invention on or before April 18, 2000. Figure 6 of the Invention Disclosure corresponds to Figures 2A and 2B of the present patent application. Figure 3 of the Invention Disclosure corresponds to Figure 3 of the present patent application. Figure 4 of the Invention Disclosure corresponds to Figure 4 of the present patent application. Figure 5 of the Invention Disclosure corresponds to Figure 5 of the present patent application. Figure 6 of the Invention Disclosure corresponds to Figures 6A and 6B of the present patent application. The unnumbered figure on page 8 of the Invention Disclosure corresponds to Figure 7 of the present patent application.

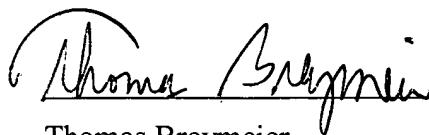
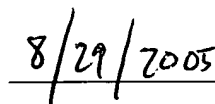
5. We, the undersigned coinventors, swear that the claimed invention was conceived and actually reduced to practice in the USA on or before April 18, 2000. We further declare, that all the statements made in this declaration are of our own knowledge and true and that all statements made on information and belief are believed to be true; that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE




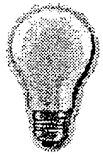
Mark D. Smith

DATE



Thomas Breymeier





## Disclosure END8-2000-0075

**Created By:** MD Smith **Created On:** 04/04/2000 01:26:01 PM

**Last Modified By:** MD Smith **Last Modified On:** 04/18/2000 09:08:36 AM

Required fields are marked with the asterisk (\*) and must be filled in to complete the form .

### Summary

Status	Under Evaluation
Processing Location	END
Functional Area	GI-(PIANELLA) Global e-Business Solutions
Attorney/Patent Professional	John Pivnichny/Endicott/IBM
IDT Team	Jon B. Martens/Endicott/IBM; Rob Edwards/Endicott/IBM; Robert L King/Endicott/IBM; Richard Malek/Endicott/IBM
Submitted Date	04/17/2000 04:40:10 PM
Owning Division Select	GI
	To calculate a PVT score, use the 'Calculate PVT' button.
Incentive Program	
Lab	PIANELLA
Technology Code	

### Inventors with Lotus Notes IDs

Inventors: MD Smith/Endicott/IBM

Inventor Name > denotes primary contact	Inventor Serial	Div/Dept	Manager Serial	Manager Name
> Smith, M.D. (Mark)	085603	38/C7QG	408476	Cole, Eric S.

### Inventors without Lotus Notes IDs

Tom Breymeier  
Serial Number : (N/A) Company : AAtlas Commerce

Citizen of : US  
E-Mail : tomb@stny.rr.com  
Business Address :  
42 Washington Avenue, Endicott, NY, 13760  
Business Phone : (607) 741-9988  
Home Address :  
3601 James Drive, Endwell, NY, 13760

### IDT Selection

<b>IDT Team:</b> Jon B. Martens/Endicott/IBM Rob Edwards/Endicott/IBM Robert L. King/Endicott/IBM Richard Malek/Endicott/IBM	<b>Attorney/Patent Professional:</b> John Pivnichny/Endicott/IBM
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**Response Due to IP&L : 05/18/2000**

## **Main Idea**

### **\*Title of disclosure (in English)**

Configurable Display of Lotus Domino Web Site Content

### **\*Idea of disclosure**

1. Describe your invention, stating the problem solved (if appropriate), and indicating the advantages of using the invention.

The content on our web site is managed by a team that is responsible for what and how documents are displayed. The displaying of documents available on the site is very dynamic and often required changes to the core application design in order to accommodate this dynamic nature. For example, documents could be displayed according to different sort orders. The content could be displayed in single or double column format. Different text attributes such as type face and alignment were often used. All of these prior to this invention required intervention by an application programmer.

2. How does the invention solve the problem or achieve an advantage,(a description of "the invention", including figures inline as appropriate)?

Now, all of this information is described in a single configurable document which is analyzed by the application in order to determine the content for the web page. It can be configured by someone other than the application programmer and does not effect the design of the application. The advantage is that now changes that may have taken hours or days to implement and test by an application developer are done real time.

It is a general solution which has been implemented in additional database designs that are part of our site.

Once the configuration document is created (see Figure 1), then a specific form is used (see Figure 2) via a URL from the web browser that looks up values describing the information to display. It then looks up into the appropriate Notes view (Figure 3) to get the content to display, resulting in a new web page (Figure 4). If the attributes need to be changed, then the Configuration document is modified (ex. use 2 column, add right column data, don't include view navigation) and saved (Figure 5). When the page is redisplayed (Figure 6), it changes automatically, without intervention from an application programmer.

### **Figure 1: Screen from Dynamic View Configuration Document**

**Lookup Document - AF - Lotus Notes**

File Edit View Create Actions Text Window Help

Test Page

### Configurable Lookup Document

**Information**

Comments

\* **Keyword** AF

\* **Description** Lookup data for Application Framework

Number of Columns ☒ 1 ☐ 2

Sort Order By Extended Attribute - Decimal Sort Key

Page Title <B><I><FONT SIZE=5 COLOR="000080">Application Framework</FONT></I></B><BR><BR>

Include View Navigation (To include "Prev", "Next", etc nav info at top and bottom of view) ☒ Yes ☐ No

Navigation Topics Application Framework for e-business

Extended Attribute 2

Document Status ☒ Work in Progress ☐ Available on the Intranet

Local Office

Figure 2: Screen from Dynamic View Generation Form

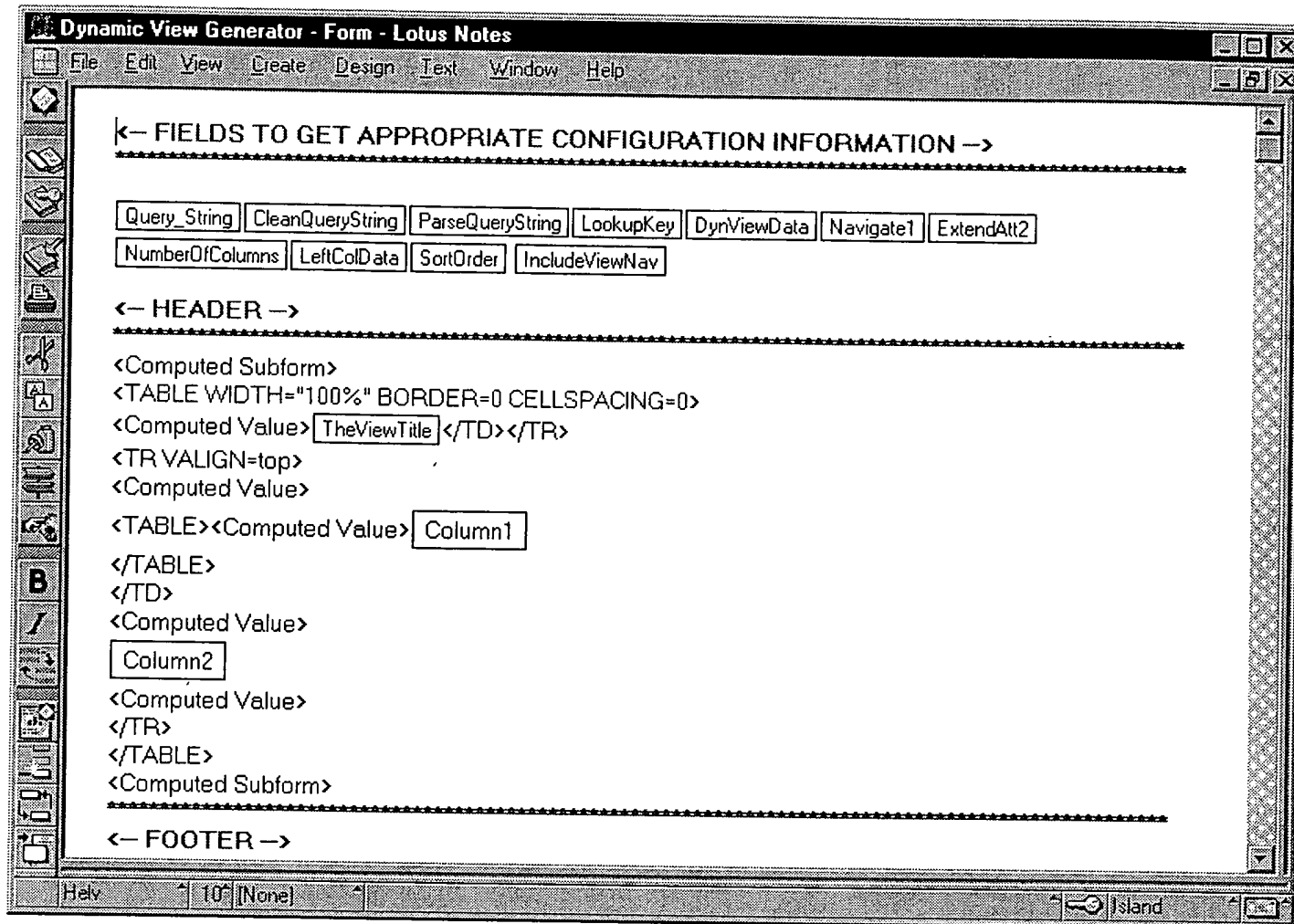
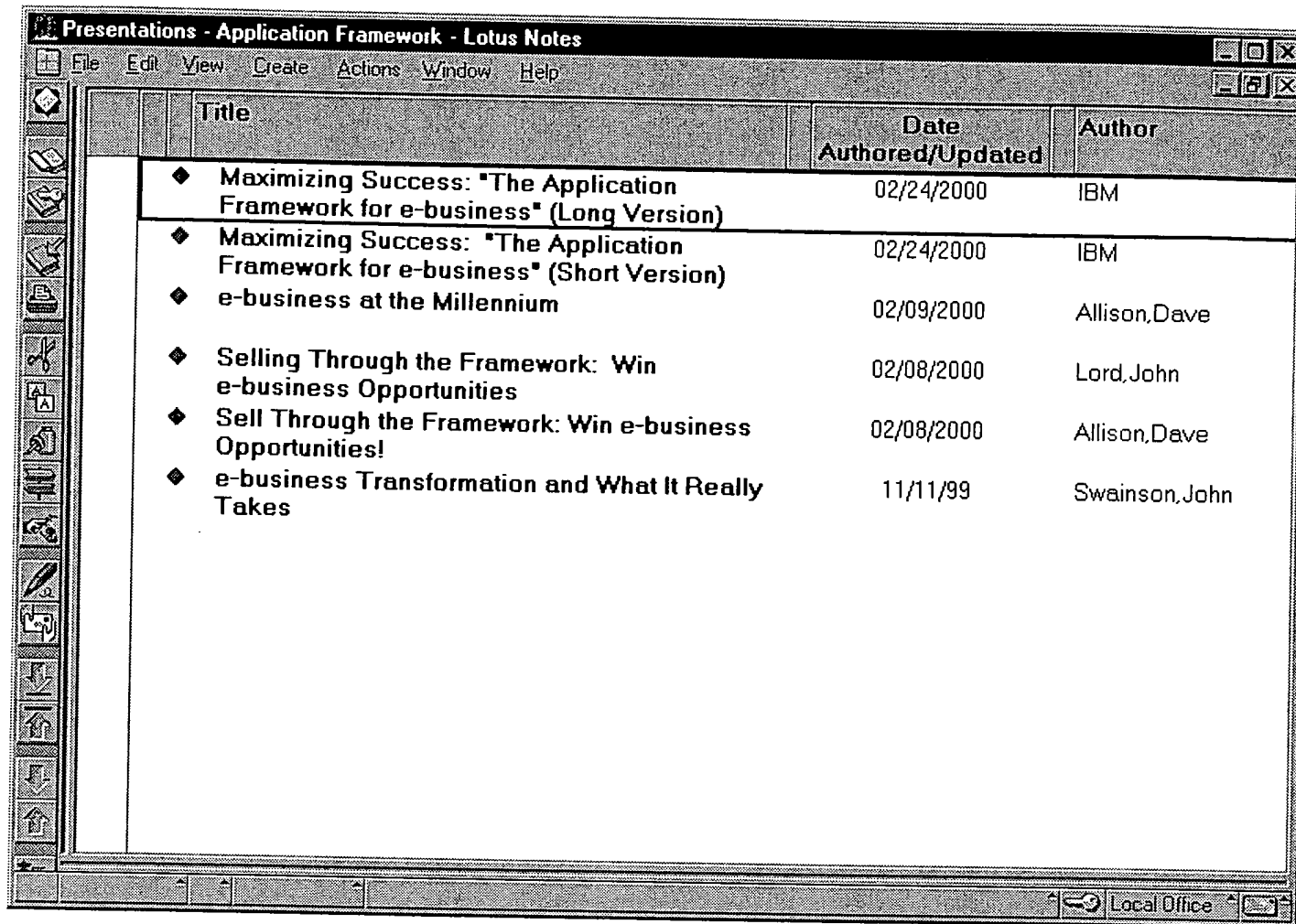


Figure 3: Screen from Sorted Notes View



The screenshot shows a Lotus Notes window titled "Presentations - Application Framework - Lotus Notes". The window has a menu bar with "File", "Edit", "View", "Create", "Actions", "Window", and "Help". On the left is a vertical toolbar with various icons. The main content area displays a table with three columns: "Title", "Date Authored/Updated", and "Author". The table contains six entries, each preceded by a diamond icon. The status bar at the bottom right shows "Local Office".

Title	Date Authored/Updated	Author
◆ Maximizing Success: "The Application Framework for e-business" (Long Version)	02/24/2000	IBM
◆ Maximizing Success: "The Application Framework for e-business" (Short Version)	02/24/2000	IBM
◆ e-business at the Millennium	02/09/2000	Allison,Dave
◆ Selling Through the Framework: Win e-business Opportunities	02/08/2000	Lord,John
◆ Sell Through the Framework: Win e-business Opportunities!	02/08/2000	Allison,Dave
◆ e-business Transformation and What It Really Takes	11/11/99	Swainson,John

Figure 4: Screen from Results on Web

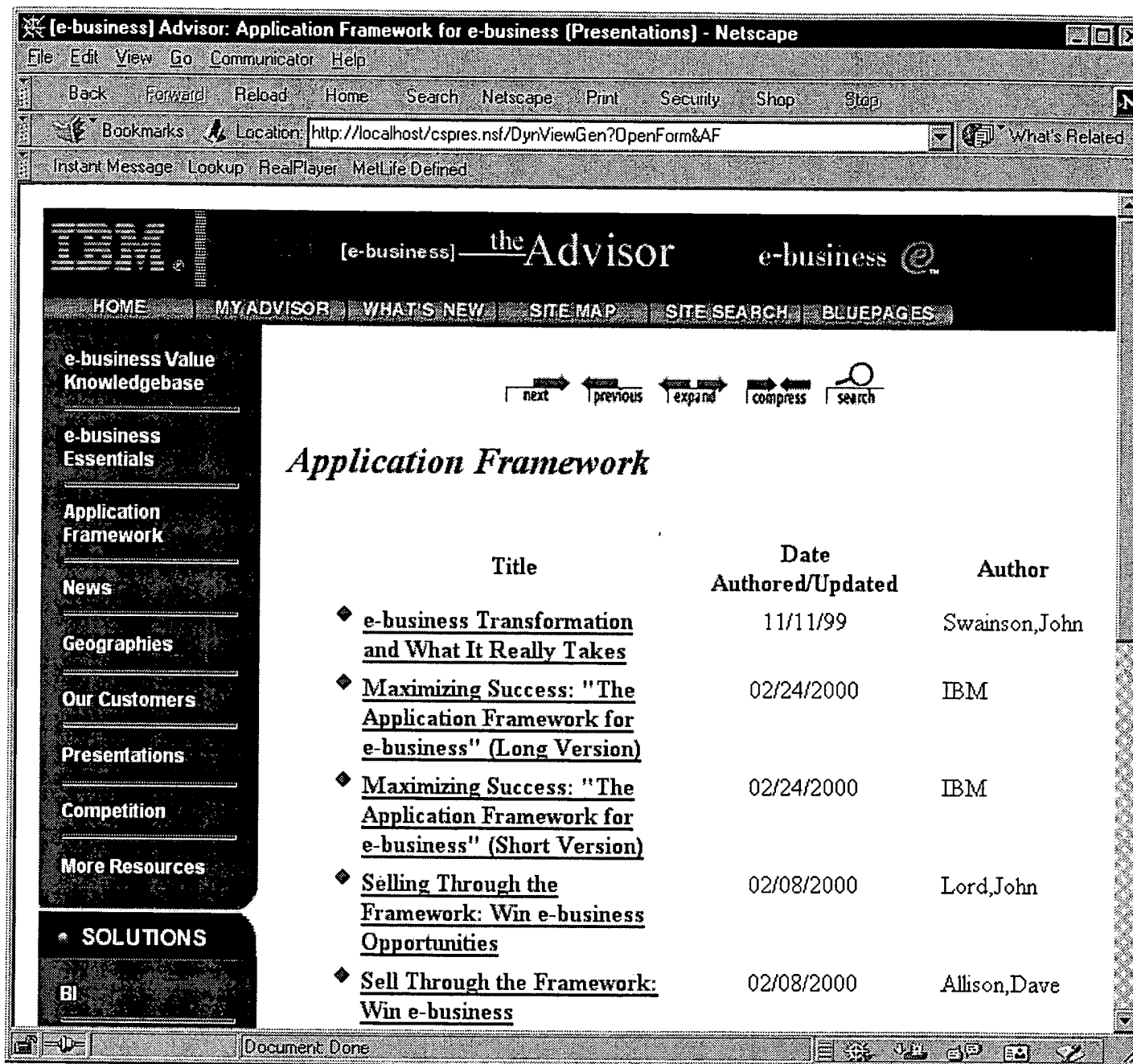


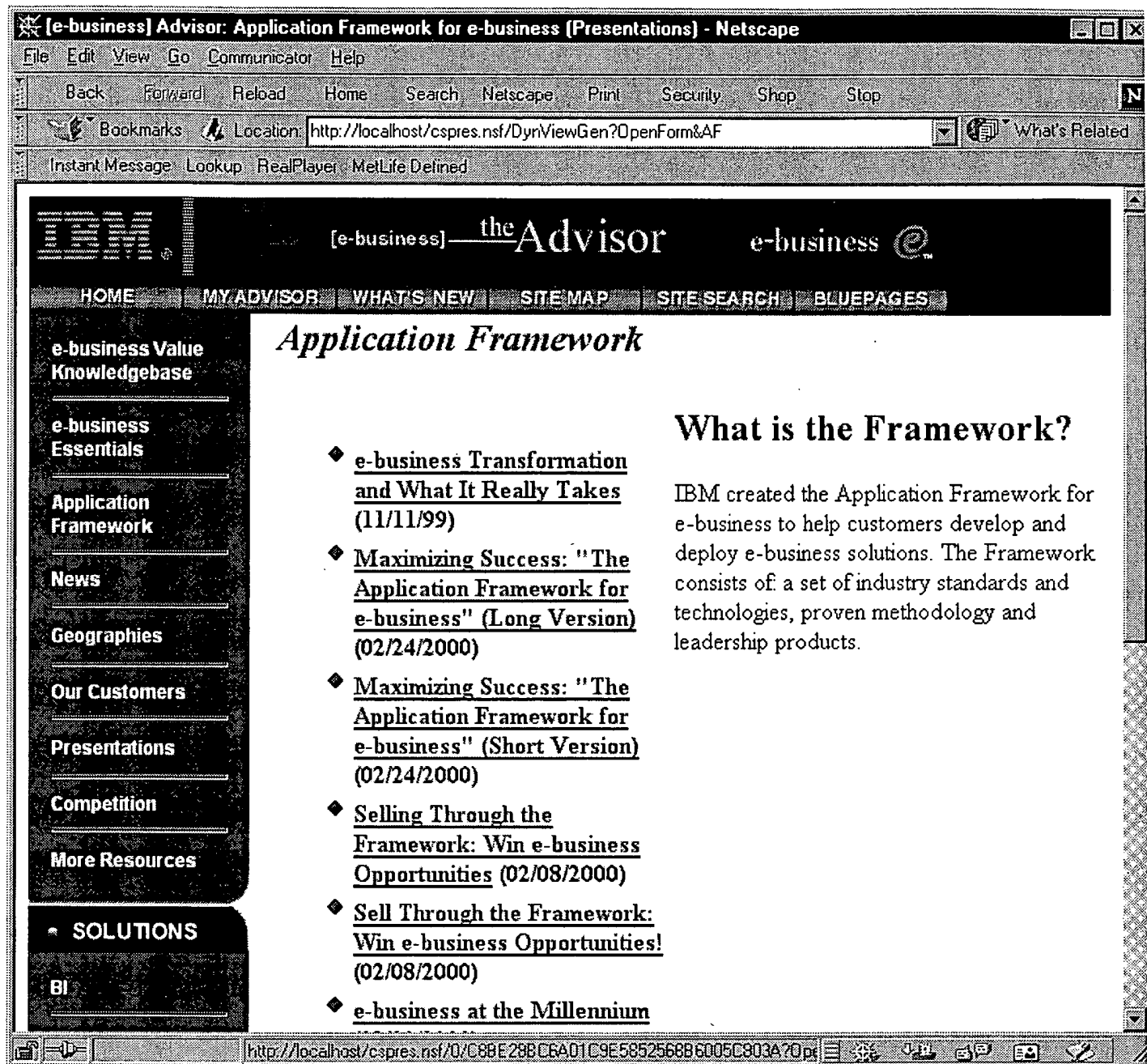
Figure 5: Screen from CHANGED Configuration Document

The screenshot shows a Lotus Notes window titled "Lookup Document - AF - Lotus Notes". The menu bar includes File, Edit, View, Create, Actions, Text, Window, and Help. A toolbar on the left contains various icons for document manipulation. The main content area is titled "Configurable Lookup Document" and contains the following configuration fields:

- Information** (Section Header)
- Comments**: [Empty text field]
- \* Keyword**:
- \* Description**:
- Number of Columns**: ☐ 1, ☒ 2
- Sort Order**:  [Icon]
- Page Title**:
- Left Column Data** (To specify what data represents the document in the view):  [Icon]
- Right Column Data**:
- Include View Navigation** (To include "Prev", "Next", etc nav info at top and bottom of): ☐ Yes, ☒ No

The status bar at the bottom right shows "Local Office".

Figure 6: Screen from CHANGED Results



3. If the same advantage or problem has been identified by others (inside/outside IBM), how have those others solved it and does your solution differ and why is it better?  
We are not aware of any.

4. If the invention is implemented in a product or prototype, include technical details, purpose, disclosure details to others and the date of that implementation.

When a web page that includes the invention is accessed, a key is passed as a part of the Uniform Resource Locator (URL). This key is then used to locate a configurable document describing the page content. The configuration data is analyzed and displayed accordingly. There are several scenarios

which may occur after analyzing the data. HTML data may be generated dynamically according to settings defined in the document. Additional documents may get embedded into the document requested. User defined data from the configuration document will get displayed directly. All of this is transparent to the configuration document editor.

All of these changes can be examined and tested real time by the person generating the content by changing the configuration document, saving it and displaying the results in a browser.

This invention was discussed with Advisor Team members (including some vendors) on 02/23/2000 and implemented on the e-business Advisor internal IBM web site on 03/10/2000.

**\*Critical Questions ( Questions 1 - 7 must be answered)**

<b>*Question 1</b>	
On what date was the invention workable? 02/23/2000 <b>Please format the date as MM/DD/YYYY</b> (Workable means i.e. when you know that your design will solve the problem)	

<b>*Question 2</b>	
Is there any planned or actual publication or disclosure of your invention to anyone outside IBM?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If yes, Enter the name of each publication or patent and the date published below. Publication/Patent: Date Published or Issued:	
Are you aware of any publications, products or patents that relate to this invention?	
<input type="radio"/> Yes <input checked="" type="radio"/> No	
If yes, Enter the name of each publication or patent and the date published below. Publication/Patent: Date Published or Issued:	

<b>*Question 3</b>	
Has the subject matter of the invention or a product incorporating the invention been sold, used internally in manufacturing, announced for sale, or included in a proposal?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Is a sale, use in manufacturing, product announcement, or proposal planned?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If Yes, identify the product if known and indicate the date or planned date of sale, announcements, or proposal and to whom the sale, announcement or proposal has been or will be made. Product: Version/Release: Code Name: Date: To Whom: If more than one, use cut and paste and append as necessary in the field provided.	

<b>*Question 4</b>	
Was the subject matter of your invention or a product incorporating your invention used in public, e.g., outside IBM or in the presence of non-IBMers?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If yes, give a date. <b>Please format the date as MM/DD/YYYY</b>	

<b>*Question 5</b>	
Have you ever discussed your invention with others not employed at IBM?	<input checked="" type="radio"/> Yes <input type="radio"/> No



If yes, identify individuals and date discussed. Fill in the text area with the following information, the names of the individuals, the employer, date discussed, under CDA, and CDA #.

Clifford Warnken, CTG, 02/23/2000 - CDA # Unavailable  
 Jeffrey Shaw, CTG, 02/23/2000 - CDA # Unavailable

**\*Question 6**

Was the invention, in any way, started or developed under a government contract or project?

☐ Yes  
☒ No  
☐ Not sure

If Yes, enter the contract number

**\*Question 7**

Was the invention made in the course of any alliance, joint development or other contract activities?

☐ Yes  
☒ No  
☐ Not Sure

If Yes, enter the following :Name of Alliance, Contractor or Joint Developer

Contract ID number

Relationship contact name

Relationship contact E-mail

Relationship contact phone

**Question 8**

Have you submitted, or are you aware of, any related disclosure submission?

☐ Yes  
☒ No

If Yes, please provide the title and docket or disclosure number below:

**Question 9**

What type of companies do you expect to compete with inventions of this type? *Check all that apply.*

☐ Manufacturers of enterprise servers  
☐ Manufacturers of entry servers  
☐ Manufacturers of workstations  
☐ Manufacturers of PC's  
☐ Non-computer manufacturers  
☐ Developers of operating systems  
☐ Developers of networking software  
☒ Developers of application software  
☒ Integrated solution providers  
☒ Service providers  
☒ Other (Please specify below)

Anyone developing applications for Domino Web Servers

### Patent Value Tool (Optional - this may be used by the inventor and attorney to assist with the evalua

(The Patent Value tool can be used by you or the evaluation team to determine the potential licensing value of your invention.)

The **Patent Value Tool** has not yet been used to calculate a score.

**Post Disclosure Text & Drawings**

Enter any additional information relating to this disclosure below:

---

(Form Revised 12/17/97)